

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:

*LeClairRyan PLLC,*¹

Debtor.

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) Case No. 19-34574-KRH
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) Chapter 7
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)

**STIPULATION BETWEEN LYNN L. TAVENNER, AS TRUSTEE,
AND CARLYLE OVERLOOK OWNER, LLC AND STIPULATED ORDER**

Lynn L. Tavenner, Trustee, and not individually but solely in her capacity as the Chapter 7 trustee (in such capacity, the “**Trustee**”) of the bankruptcy estate of LeClairRyan PLLC (“**LeClairRyan**” and/or the “**Debtor**”), in the above-referenced Chapter 7 case (the “**Bankruptcy Case**” and/or the “**Case**”), and Carlyle Overlook Owner, LLC (“**Carlyle**”) hereby stipulate as follows:

BACKGROUND

1. On September 3, 2019 (the “**Petition Date**”), the Debtor filed for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101—1532 (as thereafter amended, the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Eastern District of

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

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Virginia, Richmond Division (the “**Bankruptcy Court**”). Pursuant to §§ 1007 and 1108 of the Bankruptcy Code, the Debtor operated as a debtor-in-possession.

2. Per agreement between the Debtor, the United States Trustee, and ABL Alliance, LLLP, the Debtor’s bankruptcy case was converted to a case under Chapter 7 of the Bankruptcy Code on October 4, 2019 (the “**Conversion Date**”).

3. Upon conversion, Lynn L. Tavenner was appointed interim trustee, and no trustee having been elected at the meeting of creditors, she continues to serve as trustee.

4. On December 3, 2019, Carlyle filed proof of claim 60 (the “**Proof of Claim**”) on account of unpaid rent and rejection damages arising out of that certain lease agreement between Carlyle and LeClairRyan dated as of May 1, 2009 pursuant to which LeClairRyan leased certain real property from Carlyle located at 2318 Mill Road, Alexandria, Virginia (as further amended and supplemented from time to time, the “**Lease**”).

5. On September 27, 2019, the Bankruptcy Court entered the *Order Authorizing LeClairRyan PLLC To (I) Reject Unexpired Leases And (II) Abandon Certain Property In Conjunction with Such Rejection* (Dkt. No. 132), pursuant to which the Lease was rejected effective as of September 5, 2019 (the “**Rejection Order**”).

6. Carlyle and the Trustee have engaged in discussions concerning the basis and amount of the Proof of Claim and have agreed to the terms contained herein.

STIPULATION

7. The Trustee and Carlyle are authorized and empowered to take all actions necessary to implement the relief granted in this Stipulation.

8. Carlyle is granted an allowed Chapter 11 administrative expense claim in the amount of \$4,989.77 for unpaid rent due and owing under the Lease from and after the Petition Date through and including the rejection date (the “**Carlyle Chapter 11 Administrative Claim**”), which claim is entitled to priority pursuant to Bankruptcy Code § 503(b)(1).

9. The Carlyle Chapter 11 Administrative Claim shall not be paid immediately, but shall be paid pursuant to the provisions of the Bankruptcy Code or any procedures that the Court may approve in this case for the payment of post-petition/pre-conversion administrative expense claims (whichever would result in an earlier distribution); except that Carlyle's right to request, by separate motion, an earlier distribution than would be provided by the Bankruptcy Code of such Court approved procedures is hereby reserved.

10. Carlyle is granted an allowed, general unsecured claim in the amount of \$650,202.05 (the "**Carlyle Unsecured Claim**") on the basis of all unsecured claims held by Carlyle against LeClairRyan. The Carlyle Unsecured Claim is allowed on a full and final basis, not subject to further objection by the Trustee or any other party in interest.

11. Unless explicitly provided herein, all other amounts sought in the Case and/or otherwise by Carlyle are forever disallowed in their entirety for all purposes in this Case.

12. The Bankruptcy Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation, interpretation, or enforcement of this Stipulated Order.

Stipulated and agreed to this 5th day of July, 2022.

So Ordered

Dated: Jul 21 2022

Richmond, Virginia

/s/ Kevin R Huennekens

UNITED STATES BANKRUPTCY JUDGE

Entered On Docket: _____ 2022

Entered On Docket: Jul 21 2022

Dated: July 5, 2022

CARLYLE OVERLOOK OWNERS, LLC

/s/ Richard E. Lear

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Counsel for Lynn L. Tavenner, Chapter 7 Trustee

LOCAL BANKRUPTCY RULE 9022-1 CERTIFICATION

I hereby certify that, pursuant to Local Rule 9022-1, the foregoing proposed Stipulation/Order has been endorsed and/or served on all necessary parties.

/s/ Richard E. Lear

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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2022, a copy of the foregoing Stipulation was served on each of the entities included in the Service List filed at Docket No. 1062. The Stipulation was served by (a) email on those entities for which an email address is included in the Service List, and (b) first-class mail, postage prepaid on all other entities.

/s/ Richard E. Lear

Counsel for Carlyle Overlook Owner, LLC